

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0253

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOSHUA HAWKEYE LEWIS,

Defendant and Appellant.

FILED

NOV 24 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW Taryn Stampfl Hart, counsel for Appellant, and respectfully requests until December 28, 2009, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Counsel for the State has no objection to this extension request.

Respectfully submitted this 24th day of November, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: 

TARYN STAMPFL HART
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Taryn Stampfl Hart, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief is currently due November 27, 2009. Counsel requests until December 28, 2009 in which to file Appellant's opening brief.

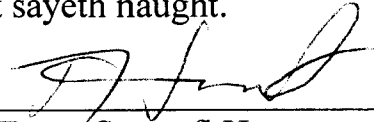
4. Counsel has filed three briefs in the month of November and has numerous other appellate briefs that counsel must work on concurrently with the present matter.

6. In light of counsel's current commitments, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely manner.


7. Counsel will work diligently to complete the matter in the time requested.

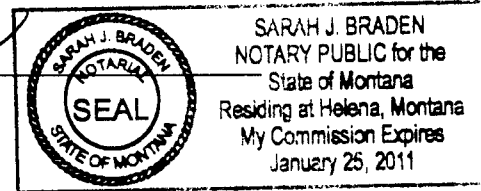
8. Opposing counsel has been contacted concerning this motion and does not object.

9. Further your affiant sayeth naught.


Taryn Stampfl Hart

SUBSCRIBED AND SWORN to before me this 23rd day of November, 2009.


Sarah J. Braden



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

CHRIS CHRISTENSEN
Madison County Attorney
P.O. Box 73
Virginia City, MT 59755-0073

JOSHUA HAWKEYE LEWIS
Boulder County Jail
P.O. Box 588
Boulder, MT 59632

DATED: November 24, 2009 